

# CITY OF AUSTIN



## **CITY CODE CHAPTER 2-9B PROFESSIONAL SERVICES MBE/WBE PROCUREMENT PROGRAM**

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Solicitation Name:

Solicitation Number:

Issue Date:

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## MBE/WBE GOALS

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Annual/Project Participation Goals	
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MBE	_____ %
WBE	_____ %
Combined MBE/WBE	_____ %

**OR**

Annual/Project Participation Subgoals	
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African American	_____ %
Hispanic	_____ %
Asian/Native American	_____ %
WBE	_____ %

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## OVERVIEW

This document should be read in conjunction with the City of Austin's Minority-owned and Women-owned Business Enterprise Procurement Program Ordinance for Professional Services (Chapter 2-9B of the Austin City Code) and the Small and Minority Business Resources Department (SMBR) Rules. The definitions contained in Chapter 2-9B apply to this document. The City Code and Rules are amended from time to time and the Respondent is responsible for ensuring they have the most up to date version. The City Code and Rules are incorporated into this document by reference. Copies of Chapter 2-9B and SMBR Rules may be obtained online at <http://www.austintexas.gov/departments/small-and-minority-business/about> or from SMBR, 4201 Ed Bluestein, Austin, Texas 78721 (512) 974-7600.

Firms or individuals submitting responses to this Request for Bid agree to abide by the City's Minority-owned and Women-owned Business Enterprise (MBE/WBE) Procurement Program and Rules. The City's MBE/WBE Program is intended (1) to promote and encourage MBEs and WBEs to participate in business opportunities with the City of Austin; (2) to afford MBEs and WBEs an equal opportunity to compete for work on City contracts; and (3) to encourage contractors to provide subconsulting opportunities to certified MBEs and WBEs by soliciting such Firm for subcontracting opportunities. The City of Austin and its consultants shall not discriminate on the basis of race, color, national origin, disability, or gender in the award and performance of contracts.

The City encourages Respondents to achieve the MBE/WBE participation goals and subgoals for this contract. However, Respondents may comply with the City Code and Rules without achieving the participation goals so long as they make and document Good Faith Efforts that would allow MBE and WBE participation per Section 2-9A-21 of the City Code and Section 9.1 of the Rules. Respondents that do not meet the project's goals and subgoals are subject to Good Faith Efforts review.

Prior to the due date and time specified in the City's solicitation documents, all Respondents (including those Firms certified as MBE/WBEs) shall submit: (1) an *MBE/WBE Compliance Plan* and (2) if it is anticipated the project goals will not be met, all appropriate documentation to demonstrate Good Faith Efforts to meet the project goals. Any questions regarding preparation of the *MBE/WBE Compliance Plan* should be directed to SMBR at [SMBRComplianceDocuments@austintexas.gov](mailto:SMBRComplianceDocuments@austintexas.gov). Such contact is not a violation of the Anti-Lobbying Ordinance.

The City has implemented Anti-Lobbying Ordinance (Chapter 2-7 of the Austin City Code). Under Chapter 2-7, there is a "no-contact" period from the date the City issues a solicitation until the contract is executed. During the "no-contact" period, a person responding to a City solicitation can speak only to the contract's authorized contact person regarding their solicitation response. Chapter 2-7 allows certain exceptions; for instance, a person responding to a

City solicitation may speak to SMBR regarding this *MBE/WBE Compliance Plan*. See the full language of the City Code or solicitation documents for further details.

**If the *MBE/WBE Compliance Plan* and Good Faith Efforts documentation are not submitted prior to the due date specified in the solicitation documents, the bid will be deemed non-responsive and not be accepted for consideration.**

## **MBE/WBE COMPLIANCE PLAN INSTRUCTIONS**

SMBR may request written clarification of items listed on the *MBE/WBE Compliance Plan*. However, there will be no further opportunity for the Respondent to augment the MBE/WBE participation originally listed in the *MBE/WBE Compliance Plan* or to demonstrate Good Faith Efforts that were not made prior to the submission of the *MBE/WBE Compliance Plan*. Changes to the *MBE/WBE Compliance Plan* are permitted only after contract execution and only with prior written approval of SMBR.

Please type or clearly print all information, use “none” or “N/A” where appropriate, and sign and date the *MBE/WBE Compliance Plan* as indicated. ***MBE/WBE Compliance Plans not complying with the MBE/WBE Compliance Plan Instructions shall be rejected as non-responsive. Submissions not utilizing the forms provided with the solicitation may render the submission nonresponsive or noncompliant.***

### **Section I Project Identification and Goals**

This section includes the pre-printed Project Name, Project/Solicitation Number, and goals and/or subgoals. The Respondent does not need to fill in any information under Section I.

### **Section II Respondent Information**

The Respondent should complete this section with its information and sign in the space provided. The portion of Section II marked as “Reserved for City of Austin SMBR Only” should be left blank.

### **Section III MBE/WBE Compliance Plan Summary**

This section is a summary of subconsultant participation in this Bid. Respondent should complete Sections IV-VII, described below, before attempting to complete Section III. After completing Sections IV-VII, calculate the percentage of MBE/WBE participation for each goal and enter the information in the blanks provided. Because Section III is a summary, if there are any inconsistencies between Sections IV-VII and Section III, the calculations contained in Sections IV-VII will prevail. If the Respondent indicates that they do not anticipate meeting the goals with certified MBE/WBE firms, then the Respondent shall submit documentation detailing their Good Faith Efforts to meet the established MBE/WBE goals. The MBE/WBE Compliance Plan will be reviewed and approved by the Small and Minority Business Resources Department.

### **Section IV Disclosure of MBE and WBE Participation**

Please list all certified MBE/WBEs subconsultants using the legal name under which they are registered to do business with the City of Austin and the value of the work they will be performing themselves except for subconsultant(s) that will be performing the trucking or hauling scope of work (see Section VII below). Do not include the value of work that the MBE/WBE’s subconsultants will be subcontracting to second-level subconsultants. By listing certified MBE and WBE Firms on the MBE/WBE Compliance Plan, the Respondent indicates that both parties acknowledge the price and scope of work and that they are prepared to contract for that price and scope if the City awards the project to the Respondent. Unit price subcontracts are acceptable if appropriate to the type of work being performed. A Letter of Intent (LOI) does not replace a binding contract between a prime contractor and a subconsultant.

Before completing Section IV of the *MBE/WBE Compliance Plan*, please read the following instructions regarding how to count MBE/WBE participation:

- (A) Only the value of the work actually performed by the MBE/WBE shall be counted toward the goals. This includes:

- (1) work performed by the MBE/WBE's own forces;
  - (2) the cost of supplies, materials, or equipment purchased, leased, or otherwise obtained by the MBE/WBE for the work of the contract (except that supplies, materials, and equipment purchased or leased from the prime contractor or its affiliate may not be counted toward the goal); and
  - (3) fees or commissions charged by an MBE/WBE for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services.
- (B) When a Respondent purchases supplies, materials, or equipment from an MBE/WBE, the cost of those supplies, materials, or equipment shall be counted toward the goals as follows:
- (1) If the supplies, materials, or equipment are obtained from an MBE/WBE that is a Manufacturer or Regular Dealer, 100 percent of the payment for the supplies, materials, or equipment shall be counted toward the goals.
  - (2) If the supplies, materials, or equipment are obtained from an MBE/WBE that is neither a Manufacturer nor a Regular Dealer, the cost of the materials and supplies themselves shall not be counted toward the goals. However, fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, may be counted toward the goals if the payment of such fees is a customary industry practice and such fees are reasonable and not excessive as compared with fees customarily allowed for similar services.
- (C) When an MBE/WBE subconsultant listed on the *MBE/WBE Compliance Plan* subcontracts part of the work of its contract to another Firm, the value of that second-level subconsultant work may not be counted toward the goals based on the initial subconsultant's MBE/WBE certification. Please see Section VI for an explanation of how to count the value of second-level subconsultants' work.
- (D) A Firm owned by a minority woman may be certified as both an MBE and a WBE (dual certified). On a single contract, the value of the work performed by a dual certified subconsultant may not be counted toward both the MBE and the WBE goals. The Respondent must decide whether to designate the dual certified subconsultant as an MBE or a WBE in the MBE/WBE Compliance Plan for the purpose of meeting the goals set for that contract. That designation may not be changed for the duration of the contract.
- (E) When an MBE/WBE performs as a participant in a certified Joint Venture, only the portion of the contract value that is the result of the distinct, clearly defined portion of the work that the MBE/WBE performs with its own forces and for which it is at risk shall be counted towards the project goals. For more specific information regarding requirements and evaluations of certified MBE/WBE Joint Ventures, please see the City's MBE/WBE Procurement Program Rules or contact SMBR's Certification Division.
- (F) Only expenditures to an MBE/WBE consultant that is performing a Commercially Useful Function shall be counted toward the project goals. If SMBR makes an initial determination that an MBE/WBE is not performing a Commercially Useful Function given the type of work involved and normal industry practices, the MBE/WBE may present evidence to rebut this presumption.
- (G) To be counted toward project goals, MBE/WBEs must be certified by SMBR prior to the due date to submit the MBE/WBE Compliance Plan as specified in the City's solicitation documents. A Firm that is

certified as an MBE/WBE at the time that the MBE/WBE Compliance Plan is filed may cease to be a certified Firm before the contract is completed. Only the value of the work performed by such a Firm while it is certified may be counted toward the project goals.

## **Section V Disclosure of Non-Certified Subconsultants**

Please list all known non-certified subconsultants, using the legal name under which they are registered to do business with the City of Austin, to be used in the performance of this contract. If Respondent will not use any non-certified Firms, please write “N/A” in the first box on this page.

The scopes of work indicated in Section V will be considered subcontracting opportunities for MBEs and WBEs, unless it is demonstrated that certified MBEs or WBEs are unavailable or do not possess the requirements in the technical portion of the solicitation to perform the work involved. If Respondent did not meet the project goals, Respondent must explain in the space provided why MBEs/WBEs were not used as subconsultants and ***submit documentation for the stated reason if applicable***. If Respondent did meet the project goals, please indicate “Goals Met” in the space provided.

## **Section VI Disclosure of Second-Level Subconsultants**

Please complete this section if Respondents knows that one or more of Respondent’s subconsultants will subcontract part of the work of their contracts to second-level subconsultants. In the last line of each entry box, please write the name of the first-level subconsultant that will be subcontracting work to the second-level subconsultant. Identify second-level subconsultants by the legal name under which they will be registered to do business with the City. The first-level subconsultant should be listed in Section IV or Section V. If Respondent is not aware of any second-level subconsultants, please write “N/A” in the first box on this page.

As discussed in Section IV above, when an MBE/WBE subconsultant subcontracts part of the work of its contract to another Firm, the value of that second-level subconsultant work may not be counted toward the goals based on the initial subconsultant’s MBE/WBE certification. The value of the second-level subconsultant work may be counted toward the project goals only based on the second-level subconsultant’s own MBE/WBE certification, if any. Work that an MBE/WBE subcontracts to a non-certified firm does not count toward the goals. Work that an MBE/WBE subconsultant contracts to another certified firm shall not be counted twice towards the goal.

## **Section VII MBE/WBE Compliance Plan Checklist**

Please complete the *MBE/WBE Compliance Plan Checklist* with the information requested if the stated project goal(s) are not met.

## **GOOD FAITH EFFORTS INSTRUCTIONS**

**(See Sample Letter To Potential Subconsultants and Availability List)**

The Respondent has a responsibility to make a portion of the work available to MBE/WBE subconsultants so as to facilitate meeting the goals or subgoals. If the Respondent cannot achieve the goals or subgoals, documentation of the Respondent's Good Faith Efforts to achieve the goals or subgoals must be submitted at the same time as the MBE/WBE Compliance Plan. The SMBR Director will review the documentation provided and determine if the Respondent made sufficient Good Faith Efforts. That there may be some additional costs involved in soliciting and using MBEs and WBEs is not a sufficient reason for a Respondent's failure to meet the goals and subgoals, as long as such costs are reasonable. However, a Respondent is not required to accept a higher quote from a subconsultant in order to meet a goal or subgoal.

### **Contacting Potential MBE/WBE Subconsultants**

The City has determined the scopes of work for this project and provided an Availability List of all the MBE and WBE firms certified to perform those scopes. The *Availability List* is included with the solicitation documents and has two sections: *Vendors Within the Significant Local Business Presence (SLBP) Area* and *Vendors Outside the Significant Local Business Presence (SLBP) Area*. As part of Good Faith Efforts, Respondents **must** contact **all** firms listed in the *Vendors Within the SLBP Area* section. Please note that every firm on the Availability List – outside the SLBP – is City-certified as an MBE or WBE for purposes of meeting the project goals, and Respondents are encouraged to contact all the firms. If a Respondent identifies an additional scope of work for this project not identified in the solicitation, the Respondent must request from SMBR an Availability List for that scope of work and contact all firms, if any, on such list. The SMBR Director determines whether the Respondent has made sufficient Good Faith Efforts if goals or subgoals are not met.

**The City neither warrants the capacity or availability of any Firm, nor does the City guarantee the performance of any Firm indicated on the availability list.**

The availability list is sorted in numerical sequence by National Institute of Governmental Purchasing (NIGP) Commodity Code. It includes all certified MBE/WBE vendors for the scopes of work identified by the City as being potentially applicable to this project. However, the availability list is not a comprehensive identification of all areas of potential subconsulting opportunities. If a Respondent identifies one or more work areas that are appropriate subconsulting opportunities that not included on the availability list, the Respondent shall contact SMBR to request the availability list for MBE and WBE Firms in those areas. Requests for supplemental availability lists will be evaluated as a part of the Respondent's Good Faith Efforts to meet the goals.

If the Respondent believes any of the work areas on the availability list are not applicable to the project's scope of work or if the Respondent believes that the lists are inaccurate, the Respondent shall notify the authorized contact person of the concern immediately and prior to submission of the response to the solicitation. All Respondents will be notified in writing of any inaccuracy by addendum to the solicitation. Concerns about a particular MBEs/WBE's certification status may be addressed to SMBR at [SMBRComplianceDocuments@austintexas.gov](mailto:SMBRComplianceDocuments@austintexas.gov). If the Respondent wants to use a certified subconsultant that does not appear on this list, Respondent may request from SMBR proof of certification and the specific work areas for which the subconsultant has been certified.

*Sample Letter To Potential Subconsultants* provides a format for collecting required information from the subconsultants on the *Availability List*. The information must be obtained at least seven (7) business days prior to the submission of the *MBE/WBE Compliance Plan*; alternate formats may be acceptable as long as they gather the same required information. Included with the solicitation documents is an alphabetized list containing the names and addresses of the MBE/WBE Firms listed on the *Availability List*. This list is in label format and is designed to facilitate the printing of mailing labels.



The following codes are used on the availability lists:

F	Female	M	Male
AA/B	African American	H	Hispanic
A/N	Asian/Native American	W/C	Caucasian
LOC	A firm's two-digit location code (e.g., SL or TX)	AU	Austin
SL	Significant Local Business Presence (SLBP)	TX	Outside SLBP
MBE	A firm certified as a Minority-owned Business Enterprise	WBE	A firm certified as a Woman-owned Business Enterprise
MWB	A firm certified as both a Minority-owned & Woman-owned Business Enterprise	WMB	A firm certified as both a Woman-owned & Minority-owned Business Enterprise
MWDB	A firm certified as a Minority-owned, Woman-owned, and Disadvantaged Business Enterprise	WMDB	A firm certified as a Woman-owned, Minority-owned, and Disadvantaged Business Enterprise

## Good Faith Efforts Review

If goals are not met, SMBR will examine the *MBE/WBE Compliance Plan* and the Good Faith Efforts documentation submitted with the *MBE/WBE Compliance Plan* to ensure that the Respondent made Good Faith Efforts to meet the project goals or subgoals. In determining whether the Respondent has made Good Faith Efforts, SMBR will consider, at a minimum, the Respondent's efforts to do the following:

- (A) Solicit certified MBE/WBE subconsultants with a Significant Local Business Presence (SLBP) and request a response from those interested subconsultants who believe they have the capability to perform the work of the contract through at least two reasonable, available, and verifiable means. The Respondent must solicit this interest more than seven (7) business days prior to submission of the *MBE/WBE Compliance Plan* to allow sufficient time for the MBEs or WBEs to respond. (The date bids/proposals are due to the City should not be included in the seven day solicitation criteria.) The Respondent must state a specific and verifiable reason for not contacting each certified Firm with a significant local business presence.
- (B) Provide interested MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract, including addenda, in a timely manner, to assist them in responding and submitting a proposal.
- (C) Negotiate in good faith with interested MBEs/WBEs that have submitted bids/proposals to the Respondent. An MBE/WBE that has submitted a bid to a Respondent but has not been contacted within five (5) business days of submission of the bid may contact SMBR to request a meeting with the Respondent. Evidence of good faith negotiation includes the names, addresses, and telephone numbers of MBEs/WBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for MBEs/WBEs to perform the work. Bid shopping is prohibited.
- (D) Select portions of the work to be performed by MBEs/WBEs in order to increase the likelihood that the MBE/WBE goals or subgoals will be met. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE/WBE participation, even when the Respondent might otherwise prefer to perform these work items with its own forces.
- (E) Publish solicitation notice in a local publication (i.e. newspaper, trade association publication, or via electronic/social media).

- (F) Use the services of available community organizations; minority persons/women consultants' or groups in the applicable field for the type of work described in this solicitation; local, state, and federal minority persons/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of MBEs/WBEs.
- (G) Seek guidance from SMBR on any questions regarding compliance with this section.

The following factors may also be considered by SMBR in determining compliance through good faith efforts; however, they are not intended to be a mandatory checklist, nor are they intended to be exclusive or exhaustive:

- (A) Whether the Respondent made efforts to assist interested MBEs/WBEs in obtaining bonding, lines of credit, or insurance as required by the City or consultant.
- (B) Whether the Respondent made efforts to assist interested MBEs/WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

In assessing minimum good faith efforts, SMBR may consider whether the Respondent sought assistance from SMBR on any questions related to compliance with this section. In addition, SMBR may also consider the performance of other Respondents successfully meeting the goals.

The ability or desire of a Respondent to perform the work of a contract with its own organization does not relieve the Respondent of the responsibility to make Good Faith Efforts.

Respondents may reject MBE/WBEs as unqualified only following thorough investigation of their capabilities. The MBE/WBE's membership or lack of membership in specific groups, organizations, or associations, and political or social affiliations (for example union or non-union employee status), are not legitimate causes for the rejection or non-solicitation of bids/proposals in the Respondent's efforts to meet the project goals or subgoals.

**At a minimum, the following should be submitted to support Good Faith Effort documentation (documentation is not limited to this list):**

- Fax logs, emails, and/or copies of documents sent to firms within the SLBP area
- Copies of written correspondence to certified firms (include names, addresses, and other identifying information)
- Phone logs with responses (*Phone contacts, alone, will not be sufficient.*)
- Lists and copies of letters sent by mail, hand delivered, or e-mailed
- Breakdown of negotiations made with certified firms
- Copies of advertisements with local newspapers, trade associations, Chambers of Commerce and/or any other public media
- Other communications regarding contacts with trade associations and Chambers of Commerce

**The following additional Good Faith Efforts factors may also be considered:**

- Copies of emails or phone logs regarding assistance in bonding, lines of credit, or insurance (as required by City or Consultant)
- Copies of emails or phone logs regarding assistance in obtaining equipment, supplies, materials, or services
- Copies of all proposals received in response to Respondent contacting other Firms

## **POST-AWARD INSTRUCTIONS** **(See Sample Confirmation Letter)**

### **Confirmation Letters**

All Respondents are required to include copies of the confirmation letters received from subconsultants, confirming the Subconsultants' willingness to provide services should the contract be awarded.

Changes to the *MBE/WBE Compliance Plan* including additions, deletions, contract changes, or substitutions of subconsultants are permitted only after contract execution and only with prior written approval of SMBR. Request for changes to the *MBE/WBE Compliance Plan* must be submitted on the Request for Change of *MBE/WBE Compliance Plan* Form for all levels of subcontracting and must be approved by the SMBR Director prior to adding, deleting, changing or substituting any subconsultant.

### **Post-Award Monitoring**

The City will monitor post-award compliance information regarding the use of certified MBE/WBE Firm(s) listed on the *MBE/WBE Compliance Plan*. The Respondent will be required to submit post award reports detailing the utilization of all subconsultants. The reports and other information regarding post-award compliance will be discussed with the successful Respondent. The following information on Payment Verification, Change Order/Contract Amendments, and Progressive Sanctions provides an overview of some of the post-award monitoring process.

#### **▪ Payment Verification**

Respondents are advised that the contract resulting from this solicitation includes a subconsultant payments clause. This clause requires all subconsultants to be paid within ten (10) calendar days from the date that the Respondent has been paid by the City for invoices submitted by subconsultants.

The Respondent shall submit a *Subconsultant/Supplier Awards and Expenditures Report (SUBK)* to the project manager and/or contract administrator at the time specified by the managing department. The report shall be in the format required by the City and shall include all awards and payments to subconsultants for goods and services provided under the contract during the previous month. This report may be used by the City to verify utilization of and payment to MBEs and WBEs.

The Respondent and/or any subconsultant whose subcontracts are being counted toward the MBE/WBE requirements shall allow the City access to records relating to the contract, including but not limited to, subcontracts, payroll records, tax information, and accounting records, for the purpose of determining whether the MBEs/WBEs are performing the scheduled subcontract work.

In determining achievement of MBE/WBE goals, the participation of an MBE/WBE subconsultant shall not be counted until the amount being counted toward the goal has been paid.

#### **▪ Change Order/Contract Amendments**

The goals on this contract shall also apply to change orders that require work beyond the scope(s) of trades originally required to accomplish the project. The Respondent is required to make Good Faith Efforts to obtain MBE/WBE participation for additional scopes of work.

Change orders that do not alter the type of trades originally required to accomplish the project may be undertaken using the subconsultants already under contract to the Respondent. Project managers will have automatic SMBR

approval to authorize any change order that **increases** the contract amount for an **existing** certified subconsultant and is **within** the existing scope being performed by that subconsultant.

#### ▪ **Progressive Sanctions**

The successful Respondent's MBE/WBE Compliance Plan will be incorporated into the resulting contract with the City and shall be considered part of the consultant's performance requirements. Progressive sanctions may be imposed for failure to comply with Chapter 2-9B of the City Code, including:

- Providing false or misleading information in Good Faith Efforts documentation, post award compliance, or other Program operations;
- Substituting Subconsultants without first receiving approval for such substitutions, which may include the addition of an unapproved Subconsultant and failure to use a Subconsultant listed in the approved MBE/WBE Compliance Plan ; and
- Failure to comply with the approved MBE/WBE Compliance Plan without an approved Request for Change, an approved Change Order, or other approved change to the Contract.

Please refer to Section 2-9B-25 of the City Code and SMBR Rule 11.5 for additional information.

## **MBE/WBE COMPLIANCE PLAN**

*All sections (I-VII) must be completed and submitted prior to the due date in the solicitation documents.*

### **Section I — Project Identification and Goals**

<b>Project Name</b>	
<b>Solicitation Number</b>	

<b>Project Goals or Subgoals</b>	
Combined MBE/WBE	
MBE	%
African American	%
Hispanic	%
Native/Asian American	%
WBE	%

### **Section II — Respondent Information**

Name of Company		
Address		
City, State Zip		
Phone		
Fax		E-Mail
Name of Contact Person		
Is your company registered on Vendor Connection?	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide Vendor Code</i> _____ If No, please note: All vendors; subconsultants and consultants must register with COA's Vendor Connect prior to award. See Link for registration information at <a href="https://www.ci.austin.tx.us/financeonline/finance/index.cfm">https://www.ci.austin.tx.us/financeonline/finance/index.cfm</a>	
Is your company COA M/WBE certified?	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, please indicate:</i> MBE <input type="checkbox"/> WBE <input type="checkbox"/> MBE/WBE Joint Venture <input type="checkbox"/>	

**I certify that the information included in this *Compliance Plan* is true and complete to the best of my knowledge and belief. I further understand and agree that this *Compliance Plan* shall become a part of my contract with the City of Austin.**

\_\_\_\_\_  
Name and Title of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

#### **For City of Austin SMBR Use Only:**

*I have reviewed this compliance plan and found that the Proposer **HAS** ☐ **HAS NOT** ☐ complied as per the City Code Chapter 2-9B through GFE.*

Reviewing Counselor \_\_\_\_\_ Date \_\_\_\_\_

*I have reviewed this compliance plan and have found the Proposer **COMPLIANT** ☐ **NON-COMPLIANT.** ☐*

Director/Assistant Director \_\_\_\_\_ Date \_\_\_\_\_

### Section III — *Compliance Plan Summary*

**Directions:**

- For each subconsultant listed in Sections IV, V, VI or VII, fill in all blanks (if applicable).
- For project participation numbers use an EXACT number.
- Goal percentages should be based on the Total Percentage only. Allowances are not included.
- Alternates are not recorded on this compliance plan.
- If Proposer is a certified M/WBE, include participation details in the Proposer box ONLY.
- Compliance plans not complying with these requirements shall be rejected as non-responsive.

**Is the stated project goal of the solicitation met?** (*If no, attach documentation of Good Faith Efforts*) Yes ☐ No ☐

#### PROPOSED PARTICIPATION GOALS

Use this section to calculate participation.

Include all details including the total dollar amount and percentage for each category where applicable.

MBE/WBE Project Goal		Respondent Participation Goal	
MBE/WBE Combined	%	\$	%
MBE	%	\$	%
WBE	%	\$	%
African American	%	\$	%
Hispanic	%	\$	%
Native/Asian American	%	\$	%
Non-Certified	%	\$	%
<b>Total Subconsultant Amount</b>	%	\$	%
Respondent's Own Participation (less any subcontracted amount) Are you counting your own participation toward the goals? (if yes, indicate below) <input type="checkbox"/> AA <input type="checkbox"/> HIS <input type="checkbox"/> N/A <input type="checkbox"/> WBE	%	\$	%

**Total Percentage (*Subs + Proposers percentages*)**

**100%**

**For SMBR Use Only:**

**Verified participation for each category:**

African-American \_\_\_\_\_ % Hispanic \_\_\_\_\_ % Native/Asian American \_\_\_\_\_ % WBE \_\_\_\_\_ %

MBE \_\_\_\_\_ % WBE \_\_\_\_\_ % Combined MBE/WBE \_\_\_\_\_ % Non-Certified \_\_\_\_\_ %

Prime \_\_\_\_\_ %

## Section IV — Disclosure of MBE and WBE Participation

(Duplicate as Needed)

Note:

- Fill in all the blanks (use “none” or “N/A” where appropriate).
- MBE/WBE Compliance Plans not complying with these requirements shall be rejected as non-responsive.
- Fill in names of MBE/WBE certified Firms as registered with City of Austin Vendor Connection.
- Select either MBE or WBE for dually certified firms to indicate which certification will count towards the MBE or WBE goal.
- Contact SMBR to request an availability list of certified Firms for additional scopes of work that were not included on the original availability list.

<b>Name of MBE/WBE Certified Firm</b>		
City of Austin Certification Data	<input type="checkbox"/> MBE <input type="checkbox"/> WBE -- <input type="checkbox"/> M <input type="checkbox"/> F -- <input type="checkbox"/> AA <input type="checkbox"/> His <input type="checkbox"/> N/A <input type="checkbox"/> C	
Vendor Code		
Address/ City / State / Zip		
Contact Person & Phone #		
Fax & Email Address		
Commodity Codes		
Commodity Codes Descriptions		
Amount of Subcontract	\$	%

<b>Name of MBE/WBE Certified Firm</b>		
City of Austin Certification Data	<input type="checkbox"/> MBE <input type="checkbox"/> WBE -- <input type="checkbox"/> M <input type="checkbox"/> F -- <input type="checkbox"/> AA <input type="checkbox"/> His <input type="checkbox"/> N/A <input type="checkbox"/> C	
Vendor Code		
Address/ City / State / Zip		
Contact Person & Phone #		
Fax & Email Address		
Commodity Codes		
Commodity Codes Descriptions		
Amount of Subcontract	\$	%

<b>Name of MBE/WBE Certified Firm</b>		
City of Austin Certification Data	<input type="checkbox"/> MBE <input type="checkbox"/> WBE -- <input type="checkbox"/> M <input type="checkbox"/> F -- <input type="checkbox"/> AA <input type="checkbox"/> His <input type="checkbox"/> N/A <input type="checkbox"/> C	
Vendor Code		
Address/ City / State / Zip		
Contact Person & Phone #		
Fax & Email Address		
Commodity Codes		
Commodity Codes Descriptions		
Amount of Subcontract	\$	%

<b>Name of MBE/WBE Certified Firm</b>		
City of Austin Certification Data	<input type="checkbox"/> MBE <input type="checkbox"/> WBE -- <input type="checkbox"/> M <input type="checkbox"/> F -- <input type="checkbox"/> AA <input type="checkbox"/> His <input type="checkbox"/> N/A <input type="checkbox"/> C	
Vendor Code		
Address/ City / State / Zip		
Contact Person & Phone #		
Fax & Email Address		
Commodity Codes		
Commodity Codes Descriptions		
Amount of Subcontract	\$	%

**Section V — Disclosure of Non-Certified Subconsultants**  
(Duplicate as Needed)

Note:

- Fill in all the blanks (use “none” or “N/A” where appropriate).
- MBE/WBE Compliance Plans not complying with these requirements shall be rejected as non-responsive.
- Fill in names of Non-Certified Subcontractors as registered with the City of Austin.

**Are Goals Met?**      Yes ☐ No ☐ If no, state reason(s) below and attach documentation:

<b>Name of Subconsultant</b>	
Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes	
Commodity Codes Descriptions	
Percent of Subcontract	%
Reason MBE/WBE not used	
<b>Name of Subconsultant</b>	
Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes	
Commodity Codes Descriptions	
Percent of Subcontract	%
Reason MBE/WBE not used	
<b>Name of Subconsultant</b>	
Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes	
Commodity Codes Descriptions	
Percent of Subcontract	%
Reason MBE/WBE not used	
<b>Name of Subconsultant</b>	
Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes	
Commodity Codes Descriptions	
Percent of Subcontract	%
Reason MBE/WBE not used	



## Section VI Disclosure of Second-Level Subconsultants

(Duplicate as Needed)

Note:

- Fill in all the blanks (use “none” or “N/A” where appropriate).
- MBE/WBE Compliance Plans not complying with these requirements shall be rejected as non-responsive.
- Fill in names of Second-Level Subcontractors as registered with the City of Austin.

<b>Name of Second-Level Subconsultant</b>	
City of Austin Certified? (choose one)	<input type="checkbox"/> No <input type="checkbox"/> MBE <input type="checkbox"/> WBE - <input type="checkbox"/> M <input type="checkbox"/> F - <input type="checkbox"/> AA <input type="checkbox"/> His <input type="checkbox"/> N/A <input type="checkbox"/> C
Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes & Descriptions	
Percent of Subcontract	%
First-Level Subconsultant	
<b>Name of Second-Level Subconsultant</b>	
City of Austin Certified? (choose one)	<input type="checkbox"/> No <input type="checkbox"/> MBE <input type="checkbox"/> WBE - <input type="checkbox"/> M <input type="checkbox"/> F - <input type="checkbox"/> AA <input type="checkbox"/> His <input type="checkbox"/> N/A <input type="checkbox"/> C
Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes & Descriptions	
Percent of Subcontract	%
First-Level Subconsultant	
<b>Name of Second-Level Subconsultant</b>	
City of Austin Certified? (choose one)	<input type="checkbox"/> No <input type="checkbox"/> MBE <input type="checkbox"/> WBE - <input type="checkbox"/> M <input type="checkbox"/> F - <input type="checkbox"/> AA <input type="checkbox"/> His <input type="checkbox"/> N/A <input type="checkbox"/> C
Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes & Descriptions	
Percentage of Subcontract	%
First-Level Subconsultant	
<b>Name of Second-Level Subconsultant</b>	
City of Austin Certified? (choose one)	<input type="checkbox"/> No <input type="checkbox"/> MBE <input type="checkbox"/> WBE - <input type="checkbox"/> M <input type="checkbox"/> F - <input type="checkbox"/> AA <input type="checkbox"/> His <input type="checkbox"/> N/A <input type="checkbox"/> C
Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone #	
Fax & Email Address	
Commodity Codes & Descriptions	
Percent of Subcontract	%
First-Level Subconsultant	

## Section VII — MBE/WBE Compliance Plan Check List

**Is the stated project goal of the solicitation met?**

Yes ☐ No ☐

*(If no, complete and submit Section VII Compliance Plan Check List)*

If the goals or subgoals were not achieved, all questions in Section VII **must** be completed and **Good Faith Efforts documentation must be submitted with the MBE/WBE Compliance Plan**. The completion and submission of this form is not required if the above question is answered *Yes*.

Is the following documentation attached to support good faith effort requirements to achieve goals or subgoals?		
<ul style="list-style-type: none"> <li>Copy of written solicitation sent to MBE/WBEs in SLBP area 7 days prior to the submission of this Compliance Plan</li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<ul style="list-style-type: none"> <li>Two separate methods of notices sent to MBE/WBEs in SLBP area Indicate notice types: fax transmittals   emails   phone log   letters</li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<ul style="list-style-type: none"> <li>Copy of advertisements placed in local publication</li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<ul style="list-style-type: none"> <li>Copy of notices sent to Minority and Women organizations</li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<ul style="list-style-type: none"> <li>Documentation that demonstrates additional GFEs:                             <ul style="list-style-type: none"> <li>Efforts to assist interested MBEs/WBEs in obtaining bonding, lines of credit, or insurance as required by the City or contractor</li> <li>Efforts to assist interested MBEs/WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services</li> <li>Efforts made to reach agreements with the MBE/WBEs who responded to Proposer's written notice</li> </ul> </li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Were additional elements of work identified to achieve the goals or subgoals? Yes ☐ No ☐

If yes, please explain: \_\_\_\_\_

Was SMBR contacted for assistance? Yes ☐ No ☐

If yes, complete following:

Contact Person: \_\_\_\_\_

Date of Contact: \_\_\_\_\_

Summary of Request: \_\_\_\_\_

Were Minority or Women organizations contacted for additional assistance? Yes ☐ No ☐

If yes, complete following:

Organization(s): \_\_\_\_\_

Date of Contact: \_\_\_\_\_

Summary of Request \_\_\_\_\_

- **Sample Letter to Potential Subconsultants**

\_\_\_\_\_ is soliciting Minority- and Women-Owned Business Enterprise participation for the following City of Austin project. Solicitation documents are available at our office or at One Texas Center, 505 Barton Springs Road, 10<sup>th</sup> Floor, Suite 1045 C-Congress Room.

Name of Project:

Project/Solicitation Number:

Location of Pre-bid Conference (if any)

Response Due Date and Time:

### **This Project Includes the Following Scopes of Work:**

[illegible]

Contact our office for detailed information on the scopes of services to be subcontracted and the relevant terms and conditions of the contract.

Please contact: \_\_\_\_\_ at \_\_\_\_\_ or \_\_\_\_\_  
(Name) (Telephone) (Fax)

All Responses MUST be received by: \_\_\_\_\_

▪ **Sample Confirmation Letter**

(Printed on Subconsultant letterhead)

Date

Contact Name

Business Name

Street Address

City, State, Zip

Re: Solicitation # \_\_\_\_\_

Dear (Contact Name):

This letter is to confirm that (insert Subconsultant name here) is pleased to provide (insert Prime Contractor name here) (insert service here) for the above-referenced project.

***We understand that we will be completing \_\_\_\_\_ % of the work on this project.***

We look forward to working with you and the City of Austin should your team be awarded the project.

Sincerely,

(Insert signature)

Contact Name

Title

Business Name